

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
RAJENDRA D. BADGAIYAN, M.D.,)	
)	
Plaintiff,)	
)	
v.)	
)	
ANTHONY J. PRINCIPI, Secretary,)	C.A. No. 04-12031-JLT
Department of Veterans' Affairs;)	
President and Fellows of)	
HARVARD COLLEGE;)	
and GRACE J. MUSHRUSH, M.D.,)	
)	
Defendants.)	
_____)	

PLAINTIFF RAJENDRA BADGAIYAN'S MOTION FOR LEAVE
TO FILE HIS OPPOSITION TO DEFENDANT HARVARD'S
MOTION TO DISMISS COUNTS AFTER THE RULE-PRESCRIBED TIME

NOW COMES YOUR PLAINTIFF, RAJENDRA D. BADGAIYAN, M.D., and hereby respectfully MOVES this HONORABLE COURT for leave to file his OPPOSITION to the defendants' Motion to Dismiss his Complaint outside the time contemplated under Local Rule 7.1(b)(2), and states as his reasons therefor that as this matter has been in transition between among courtrooms, no harm or prejudice has occurred to any party or to the court; and that acceptance of the Opposition will better serve the efficiency of the court and the interest of justice by allowing a fuller setting out of the issues

and the expression of Dr. Badgaiyan's views on the Motion, offering a more complete picture of the issues raised by defendant's Motion.

DATED:

Respectfully submitted,
Rajendra Badgaiyan, M.D.
By His Attorney,

/s/ Paul H. Merry
Paul H. Merry, Esq.
44 School St., Suite 1000
Boston, MA 02108
(617) 720-2400
BBO# 353480

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party to this action by first-class mail on August 8, 2005.

/s/ Paul H. Merry
Paul H. Merry